

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Civil Action No: 3:17-CV-00652

SNYDER’S-LANCE, INC. and PRINCETON  
VANGUARD, LLC,

Plaintiffs,

v.

FRITO-LAY NORTH AMERICA, INC.,

Defendant.

AMENDED JOINT MOTION FOR STAY OF  
ALL BRIEFING DEADLINES REGARDING  
MOTIONS FOR SUMMARY JUDGMENT

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 7.1 of the Local Civil Rules, Defendant Frito-Lay North America, Inc. (“Defendant”) and Plaintiffs Snyder’s-Lance and Princeton Vanguard, LLC (collectively, the “Parties”) move this Court for a stay of all briefing deadlines in connection with the motion for summary judgment filed by Defendant and the motion for summary judgment filed by Plaintiffs Snyder’s-Lance, Inc. and Princeton Vanguard, LLC (“Plaintiffs”). In support of this motion, the Parties show the Court as follows:

1. Defendant filed its Motion for Summary Judgment on August 30, 2018. (Dkt. 28).
2. Plaintiffs filed their response to Defendant’s Motion for Summary Judgment on October 29, 2018. (Dkt. 33). Along with their response, Plaintiffs filed a Cross-Motion for Summary Judgment. (Dkt. 34).
3. Defendant moved on November 9, 2018 for an extension of time until February 1, 2019 to file a reply in support of its Motion for Summary Judgment and respond to Plaintiffs’ Cross-Motion for Summary Judgment. (Dkt. 47).
4. This motion was granted on November 13, 2018 (Dkt. 48).
5. Following receipt of the Cross-Motion for Summary Judgment, Defendant

conducted discovery, including document requests.

6. On January 28, 2019, the Parties filed a “Joint Motion for Extension of Deadlines Regarding Motions for Summary Judgment” (the “Joint Motion”) (Dkt. 51) and that motion was granted by the Court on January 28, 2019 (Dkt. 52).

7. Defendant’s current deadline to reply in support of its Motion for Summary Judgment and respond to Plaintiffs’ Cross-Motion for Summary Judgment is March 1, 2019.

8. Plaintiffs’ current deadline to file their Reply to Defendant’s response to Plaintiffs’ Motion for Summary Judgment is April 1, 2019.

9. Since the filing of the Parties’ Joint Motion, Defendant has filed a Motion to Compel Production of Documents (the “Motion to Compel”) in connection with its document requests of Plaintiffs.

10. The Parties have a dispute as to whether certain documents should be produced by Plaintiffs to Defendant, which dispute is the subject of the pending Motion to Compel, and if the Motion to Compel is granted, there may be an additional production of documents.

11. Defendant has also filed a previous motion to stay the summary judgment briefing schedule pending the resolution of the Motion to Compel (the “Previous Motion to Stay”). (Dkt. 55) Plaintiffs opposed the Previous Motion to Stay in certain respects (Dkt. 56), and Defendant has filed its reply (Dkt. 57). Defendant now withdraws the Previous Motion to Stay and is moving jointly with Plaintiffs for a stay of the summary judgment briefing deadlines in an effort to allow the court and the Parties time to efficiently resolve the Motion to Compel and the pending motions for summary judgment.

12. The Parties request a stay of all briefing deadlines in connection with the motion for summary judgment filed by Defendant and the motion for summary judgment filed by Plaintiffs to allow for the resolution of the pending Motion to Compel. The Parties request that if the Motion

to Compel is denied (including if it is adjudged to be moot), Frito-Lay's summary judgment reply and opposition briefs shall be due within 10 days of the Court's decision. If the Court rules otherwise, the Parties request that they be permitted to submit to the Court a revised briefing scheduled within 10 days of the Court's decision.

13. This request is not sought for delay but to allow for efficient and full briefing of the summary judgment motions.

WHEREFORE, the Parties respectfully request that the Court stay all briefing deadlines in connection with the Parties respective Motions for Summary Judgment as outlined in this motion.

This the 29th day of February, 2019.

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